

1 Kristin L. Martin (SBN 206528)
2 DAVIS, COWELL & BOWE, LLP
3 595 Market Street, Suite 1400
4 San Francisco, CA 94105
5 Telephone: 415-597-7200
6 Fax: 415-597-7201

7 Attorneys for Petitioner,
8 UNITE HERE International Union

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

UNITE HERE INTERNATIONAL UNION,

Petitioner,

vs.

PALA BAND OF MISSION INDIANS,

Respondent.

CASE NO. 07-CV-2312 W AJB

**PROOF OF SERVICE OF
SUMMONS AND COMPLAINT**

I certify that I am authorized to serve the summons and complaint in the within action pursuant to F.R.Civ.P. 4(c) and that I served the summons and complaint as follows:

1. Name and title of person served: Pala Tribal Chairman Robert Smith
2. Person with whom left: Officer Timothy Ravaga of the Pala Tribal Police
3. Date and time of delivery: March 22, 2008, approximately 3:00 p.m.
4. Address, City and State: 35961 Pala-Temecula Road
Pala, CA 92059
(X) Home () Business
5. Manner of service (Check applicable box and complete separate proof of service for each defendant served.)

///

PERSONAL SERVICE

☒ PERSONAL SERVICE. On Saturday March 22, 2008 at approximately 3:00 p.m., I entered the Pala Indian reservation and went to an address of 35961 Pala-Temecula Rd., Pala, CA 92059. As I stopped at the residence, I was confronted by Officer Timothy Ravaga of the Pala Tribal Police. He asked what I was doing on the reservation. I advised him that the reason I was there was to serve Mr. Robert Smith, Chairman of the Pala Tribe. Mr. Ravaga made a phone call to Mr. Smith, the person I was trying to serve. I was outside Mr. Smith's house when Police Officer Ravaga made this call. I heard Office Ravaga talking to Mr. Smith. Officer Ravaga advised me that Mr. Smith wanted me to come back during the week and he would meet with me at his office. I asked Officer Ravaga to ask Mr. Smith to step outside and accept service. Officer Ravaga told me that Mr. Smith refused and told Officer Ravaga to escort me off the reservation. I tried to hand Officer Ravaga the summons and the complaint and advised him to give them to Mr. Smith. Officer Ravaga said he would not do so, but as I left, I observed Officer Ravaga pick up the papers.

☐ UPON A STATE OR MUNICIPAL CORPORATION OR OTHER GOVERNMENTAL ORGANIZATION THEREOF SUBJECT TO SUIT, C.C.P. 415.30(a); F.R.Civ.P. 4(j) (2), by delivering a copy of the summons and complaint to the chief executive officer thereof or by serving the summons and complaint in a manner prescribed by law of that state for the service of summons or other like process upon any such defendant

SERVICE ON U.S. DEFENDANTS

☐ UPON THE UNITED STATES OR AN OFFICER OR AGENCY OF THE UNITED STATES, by serving in a manner as prescribed by F.R.Civ.P. 4(i) (1) and (2).

SERVICE BY MAIL (Under State Law only)

☐ MAIL AND ACKNOWLEDGMENT SERVICE, C.C.P. 415.30. By mailing (by

1 first-class mail or airmail) copies to the person served, together with two copies of
2 the form of notice and acknowledgment and a return envelope, postage paid
3 prepaid, addressed to the sender. (ATTACH WRITTEN ACKNOWLEDGMENT
4 OF RECEIPT AND SUMMONS AND COMPLAINT.)

5 SUBSTITUTED SERVICE

- 6 ☐ UPON AN INDIVIDUAL OTHER THAN AN INFANT OR AN
7 INCOMPETENT PERSON, by delivering a copy of the summons and complaint
8 to him personally or by leaving copies thereof at his dwelling house or usual place
9 of abode with some person of suitable age and discretion then residing therein or
10 by delivering a copy of the summons and complaint to an agent authorized by
11 appointment or by law to receive service of process; or in a manner consistent with
12 C.C.P. 415.20(b); F.R.Civ.P. 4(e). (Attach separate declarations showing
13 attempted personal service.)
- 14 ☐ UPON AN INFANT OR AN INCOMPETENT PERSON, C.C.P. 415.20(b);
15 F.R.Civ.P. 4(g), by leaving copies at the dwelling house, usual place of abode, or
16 usual place of business of the person served in the presence of a competent
17 member of the household or a person apparently in charge of his office or place of
18 business, at least 18 years of age, who was informed of the general nature of the
19 papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the
20 person served at the place where the copies were left.
- 21 ☐ UPON A DOMESTIC OR FOREIGN CORPORATION OR UPON A
22 PARTNERSHIP OR OTHER UNINCORPORATED ASSOCIATION WHICH IS
23 SUBJECT TO SUIT UNDER A COMMON NAME, by delivering a copy of the
24 summons and complaint to an officer, a managing or general agent, or to any other
25 agent authorized by appointment or by law to receive service of process and, if the
26 agent is one authorized by statute to receive service and the statute so requires, by
27 also mailing a copy to the defendant; or in a manner consistent with C.C.P.
28 415.20(a); F.R.Civ.P. 4(h).

1 I declare under penalty of perjury that the foregoing document is true and correct.

2 Executed at W. COVINA, State of California, this 28 day of MARCH, 2008.

3 Mischa Sabatier
4 Signature of Person authorized to make
Service

5 Fee for service \$ _____, Mileage \$ _____, Total \$ 250.00.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I am employed in the city and county of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is 595 Market Street, Suite 1400, San Francisco, CA 94105.


On April 7, 2008 I served the document described as PROOF OF SERVICE OF SUMMONS AND COMPLAINT by placing a true copy thereof enclosed in a sealed envelope and depositing same with the United States Postal Service addressed as follows:

Theodore R. Scott
Littler Mendelson
501 West Broadway, Suite 900
San Diego, CA 92101-3577

☒ (MAIL) I am "readily familiar" with the firm's practice for collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on April 7, 2008 at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



Renee Saunders